

### **REMARKS/ARGUMENTS**

Pending claims 1, 7, 9, 11-12, 15, 17-20, 22 and 24-25 stand rejected under 35 U.S.C. §102(a) over U.S. Publication No. 2002/0099904 (Conley). First, Applicant respectfully notes that with regard to claims 18-20 the Office Action does not provide any basis for a rejection under §102. Instead, a §103 rejection is made as to these claims. Thus to the extent that the Office Action contends that these claims 18-20 are anticipated, the rejection is respectfully traversed, as the Office Action concedes that Conley does not fully teach the subject matter of claim 18. Office Action, p. 6.

As to amended claim 1, Conley nowhere teaches setting an update to data of a memory to a valid status via association of a valid count therewith and changing an original version of the data to a backup status via association of a second count value therewith in place of the valid count value. In this regard, Conley instead teaches placing time stamps with data such that updated data will have a later time stamp than the original data. However, this nowhere teaches or suggests changing an original version of the data to a backup status via association of a different count value in place of the valid count value. Instead, Conley associates a unique time stamp with each of the data entries and does not associate one time stamp with different updates at different times. Further, to the extent that Conley teaches using chronological values of a counter to determine updated and superceded copies of data, this too nowhere teaches or suggests associating one count value with different data modifications at different times.

Nor does Conley anywhere teach or suggest making its superceded data to be a backup status. Instead, Conley teaches that its superceded data is identified for erasure. Conley, ¶62, lns. 12-23. Such identification for erasure in no way teaches changing the superceded data to a backup status. For at least these reasons, claim 1 and the claims depending therefrom are patentable over Conley.

As to amended claim 9, for similar reasons, Conley nowhere teaches associating a count value indicative of a valid status with a first modification to a data object and then associating that count value with a second modification to the data object. Instead, as discussed above, Conley assigns a unique time stamp or count with each update and does not associate a single count value with different modifications at different times. Accordingly, claim 9 and its dependent claims are patentable over Conley.

For similar reasons as to claim 9, amended claim 15 is also patentable. Amended claim 22 is patentable for similar reasons as discussed above regarding claim 1.

As to the rejection of pending claims 2, 3, 15 and 23 under §103(a) over Conley in view of U.S. Patent No. 5,860,124 (Matthews), the rejection is overcome at least for the same reasons discussed above regarding the independent claims. Furthermore, this rejection is improper as neither reference teaches or suggests invalidating an original version of data that is in a backup status if an update to the data is committed. As discussed above, Conley nowhere teaches or suggests such a backup status. Nor does Matthews. Instead, Matthews merely teaches that when an update occurs, the original block is invalidated. Matthews, col. 7, lns. 4-8. Thus neither reference teaches or suggests placing the original data into a backup status and invalidating the data only when the update is committed. Accordingly, the above-listed dependent claims are patentable for this further reason.

Dependent claims 4, 8, and 14 stand rejected under 35 U.S.C. §103(a) over Conley in view of U.S. Publication No. 2002/0112134 (Ohran). The rejection is improper at least for the same reasons as the independent claims discussed above. Furthermore, Ohran nowhere teaches reinstating original data or unwinding back to a previous version with data present in the memory. Instead, the reconstruction operations performed in Ohran are via a separate preservation memory, not a single memory that stores the updated data and the original data. Ohran, ¶29. Accordingly, this rejection is overcome.

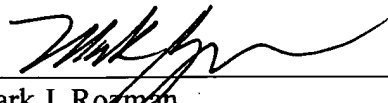
Pending claims 18-20 stand rejected under 35 U.S.C. § 103(a) over Conley in view of U.S. Publication No. 2003/0143971 (Hongo). This rejection is improper at least for the same reasons as claim 1 as neither reference teaches or suggests the claimed associating.

New dependent claims 26-27 are patentable at least for the same reasons as the independent claims from which they depend.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504.

Respectfully submitted,

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